

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STEVEN RANAE GLEEN CANDLER,
Plaintiff,
v.
JOHN & JANE DOES, et al.,
Defendants.

No. 1:23-cv-0459 JLT SAB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DISMISSING OF
CERTAIN CLAIMS AND DEFENDANTS**

(Doc. 12)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The assigned magistrate judge found Plaintiff stated a cognizable claim for excessive force in violation of the Eighth Amendment against the unidentified correctional officer at Wasco State Prison. The magistrate judge found Plaintiff's other claims were not cognizable, and recommended the non-cognizable claims and defendants be dismissed. (Doc. 12.)

Plaintiff filed objections to the Findings and Recommendations, requesting that the Court not dismiss the action and that he be permitted to proceed with the action. (Doc. 32.) Notably, a review of the objections suggests that he mistakenly believes the magistrate judge recommended the action be dismissed in its entirety. However, the magistrate judge recommended Plaintiff be permitted to proceed on his claim for excessive force. Plaintiff does not challenge the determination that his other claims were not cognizable and does not identify any additional facts supporting the other claims in his complaint. (*See id.* at 1-2.)

1 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this case.
2 Having carefully reviewed the entire file, including Plaintiff's objections, the Court concludes the
3 Findings and Recommendations are supported by the record and by proper analysis. Thus, the
4 Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on May 3, 2023 (Doc. 12) are
6 **ADOPTED** in full.
- 7 2. This action shall proceed only on Plaintiff's excessive force claim against the
8 unidentified "John Doe" correctional officer at Wasco State Prison.
- 9 3. All other claims and defendants are **DISMISSED** from this action.
- 10 4. This action is referred to the magistrate judge for further proceedings.

11
12 IT IS SO ORDERED.

13 Dated: **October 16, 2023**


UNITED STATES DISTRICT JUDGE